



THE CITY OF NEW YORK
LAW DEPARTMENT

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VIA ECF

Honorable Frederic Block
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jeffrey Theodat v. City of New York, et al.,
16-CV-3977 (FB) (JO)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and along with Senior Counsel Philip DePaul, represent defendants Detective Joel Crooms and Police Officer Christopher McDonald in the above-referenced matter. Defendants write to memorialize today's off-the-record conversation with the Court concerning defendants' request to submit special interrogatories regarding the defense of qualified immunity to the jury. This conversation occurred right before the court reporter arrived and the jury was brought in to deliver the verdict. The jury was discharged immediately after the verdict was delivered. As such, before the jury was discharged, counsel did not have an opportunity to put on the record the request for defendants' proposed special interrogatories regarding the defense of qualified immunity.

As Your Honor is aware, special interrogatories are often submitted to the jury to assist the Court with its assessment of the qualified immunity defense. See Stephenson v. Doe, 332 F.3d 68, 81 (2d Cir. 2003) (endorsing the use of special interrogatories to assist the Court with "the ultimate legal determination of whether qualified immunity attaches on those facts."). Thank you for your consideration herein.

Respectfully submitted,

/s/

Evan F. Jaffe
Assistant Corporation Counsel

Cc: John Knudsen, Esq. (VIA ECF)
Attorneys for Plaintiff